

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL

m/045/019



MARK L. SHURTLEFF
ATTORNEY GENERAL

RAY HINTZE
Chief Deputy - Civil

RYAN MECHAM
Chief of Staff

KIRK TORGENSEN
Chief Deputy - Criminal

August 27, 2002

Salt Lake County Sheriff's Office
ATTN: CIVIL UNIT
3365 South 900 West
SALT LAKE CITY UT 84119

Re: State of Utah, Division of Oil, Gas & Mining
V.
International Minerals & Metals, Inc., an Ohio corporation,
and American Consolidated Mining Co., a Utah corporation,
Tooele County Civil No. 020301006
Judge David S. Young

Dear Folks:


Enclosed is an original Summons, together with copies of the Summons and Complaint, in the above-entitled matter. Would you please obtain service on the following named Defendant and direct your return (identifying all documents served) to my attention at 1594 West North Temple #300, Salt Lake City, Utah 84116:

Steven J. Haslam, Agent
American Consolidated Management Group, Inc. (formerly
American Consolidated Mining Co.)
5759 South 1145 East
SALT LAKE CITY UT 84121

Please write on the copy of the Summons left with the Defendant the date of service, the person served, and initial or sign your name. Under Utah law, failure to include this information on the copy left with the Defendant has been grounds for dismissal.

Thanks in advance for your assistance and cooperation in serving these documents in behalf of the Utah Division of Oil, Gas & Mining.

Very truly yours,


STEVEN F. ALDER
Assistant Attorney General

Enclosures
SFA/jr

STEVEN F. ALDER, No. 0035
Assistant Attorney General
MARK L. SHURTLEFF, No. 4666
UTAH ATTORNEY GENERAL
ATTORNEYS FOR PLAINTIFF UTAH DIVISION
OF OIL, GAS & MINING
1594 West North Temple, #300
SALT LAKE CITY UT 84116
Telephone: (801) 538-7227
Fax: (801) 538-7440

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR TOOELE COUNTY, STATE OF UTAH

STATE OF UTAH, DIVISION OF OIL, GAS
& MINING,

Plaintiff,

v.

INTERNATIONAL MINERALS
AND METALS, INC., an Ohio corporation,
and AMERICAN CONSOLIDATED
MINING CO., a Utah corporation,

Defendants.


SUMMONS

Civil No. 020301006

Judge David S. Young

THE STATE OF UTAH TO THE ABOVE-NAMED DEFENDANT:

Steven J. Haslam
Agent of Service for:
American Consolidated Management Group, Inc. (formerly American
Consolidated Mining Co.)
5759 South 1145 East
SALT LAKE CITY UT 84121

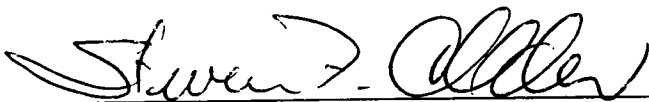


You are hereby summoned and required to file with the Clerk of the above-entitled Court, 47 South Main Street, Tooele, Utah 84074, an Answer, in writing, to the attached Complaint, to be filed in the above-entitled case, and to serve upon or mail to the Attorney General of the State of Utah, at 1594 West North Temple #300, Salt Lake City, Utah 84116 a copy of said Answer within twenty (20) days after service of this Summons upon you.

If you fail to do so, judgment by default will be taken against you for the relief demanded in said Complaint, which has been filed with the Clerk of said Court and a copy of which is attached hereto and herewith served upon you.

DATED this 27th day of August, 2002.

MARK L. SHURTLEFF, No. 4666
UTAH ATTORNEY GENERAL



STEVEN F. ALDER, No. 0035
Assistant Attorney General
ATTORNEYS FOR PLAINTIFF UTAH
DIVISION OF OIL, GAS & MINING
1594 West North Temple, #300
SALT LAKE CITY UT 84116
(801) 538-7227

STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



MARK L. SHURTLEFF
ATTORNEY GENERAL

RAY HINTZE
Chief Deputy - Civil

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Chief of Staff

KIRK TORGENSEN
Chief Deputy - Criminal

August 27, 2002

Cuyahoga County Sheriff's Office
c/o Civil Division - Writs Dept.
1215 West Third Street
CLEVELAND OH 44113

Re: State of Utah, Division of Oil, Gas & Mining
v.
International Minerals & Metals, Inc., an Ohio corporation,
and American Consolidated Mining Co., a Utah corporation,
Tooele County Civil No. 020301006
Judge David S. Young

Dear Folks:

Enclosed is an original Summons, together with copies of the Summons and Complaint, in the above-entitled matter. Would you please obtain service on the following named Defendant and direct your return (identifying all documents served) to my attention at 1594 West North Temple #300, Salt Lake City, Utah 84116:

Philip M. Lynch, Agent
International Minerals & Metals, Inc.
23200 Chagrin Blvd., #107
BEACHWOOD OH 44122

Please write on the copy of the Summons left with the Defendant the date of service, the person served, and initial or sign your named. Under Utah law, failure to include this information on the copy left with the Defendant has been grounds for dismissal.

We are also enclosing a check in the amount of \$50.00 for service on the above-named Defendant. If there is an additional fee due, please let us know and it will be sent by return mail. Thanks in advance for your assistance and cooperation.

Very truly yours,

STEVEN F. ALDER
Assistant Attorney General

Enclosures
SFA/jr

STEVEN F. ALDER, No. 0035
Assistant Attorney General
MARK L. SHURTLEFF, No. 4666
UTAH ATTORNEY GENERAL
ATTORNEYS FOR PLAINTIFF UTAH DIVISION
OF OIL, GAS & MINING
1594 West North Temple, #300
SALT LAKE CITY UT 84116
Telephone: (801) 538-7227
Fax: (801) 538-7440

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR TOOELE COUNTY, STATE OF UTAH

STATE OF UTAH, DIVISION OF OIL, GAS
& MINING,

Plaintiff,

v.

INTERNATIONAL MINERALS
AND METALS, INC., an Ohio corporation,
and AMERICAN CONSOLIDATED
MINING CO., a Utah corporation,

Defendants.

SUMMONS

Civil No. 020301006

Judge David S. Young

THE STATE OF UTAH TO THE ABOVE-NAMED DEFENDANT:

Philip M. Lynch
Agent of Service for:
International Minerals and Metals, Inc.
23200 Chagrin Blvd., #107
BEACHWOOD OH 44122

You are hereby summoned and required to file with the Clerk of the above-entitled Court, 47 South Main Street, Tooele, Utah 84074, an Answer, in writing, to the attached

Complaint, to be filed in the above-entitled case, and to serve upon or mail to the Attorney General of the State of Utah, at 1594 West North Temple #300, Salt Lake City, Utah 84116 a copy of said Answer within thirty (30) days after service of this Summons upon you.

If you fail to do so, judgment by default will be taken against you for the relief demanded in said Complaint, which has been filed with the Clerk of said Court and a copy of which is attached hereto and herewith served upon you.

DATED this 27th day of August, 2002.

MARK L. SHURTLEFF, No. 4666
UTAH ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Steven F. Alder", written over a horizontal line.

STEVEN F. ALDER, No. 0035
Assistant Attorney General
ATTORNEYS FOR PLAINTIFF UTAH
DIVISION OF OIL, GAS & MINING
1594 West North Temple, #300
SALT LAKE CITY UT 84116
(801) 538-7227

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Telephone: (801) 538-7227
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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR TOOELE COUNTY, STATE OF UTAH

STATE OF UTAH, Division of Oil, Gas, & Mining,)	
)	
)	
Plaintiff,)	COMPLAINT
v.)	
)	
INTERNATIONAL MINERALS)	
AND METALS, INC., an Ohio corporation,)	
and AMERICAN CONSOLIDATED)	
MINING CO., a Utah corporation,)	Civil No. 020301006
)	
Defendants.)	Judge David S. Young
)	

Plaintiff State of Utah, through its Division of Oil, Gas, and Mining, Department of Natural Resources and by its counsel Steven F. Alder, Assistant Attorney General, pleads as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to Utah Code Ann. § 78-3-4(1) (1996).

2. This action is brought to determine the rights of the Defendants to money deposited as surety for the performance of reclamation work on mining properties located in Tooele County, Utah.

3. Venue is proper in Tooele County, Utah, pursuant to Utah Code Ann. §§ 78-13-4 and 78-13-7 (1996).

PARTIES

4. Plaintiff State of Utah, through its Division of Oil, Gas, & Mining, Dept. of Natural Resources, is delegated by Utah Code Ann. §§ 40-8-1, et seq., (1998) to regulate certain mining activities; and pursuant to Utah Code Ann. §40-8-14 (1998) and Utah Administrative Code R647-2-111, (2002); Plaintiff is charged with obtaining and holding surety in a form and amount as provided by its rules to insure the proper reclamation of mining operations in the State of Utah.

5. Defendant American Consolidated Co. ("American") is a Utah corporation.

6. Defendant International Minerals and Metals, Inc., ("International") is an Ohio corporation.

GENERAL ALLEGATIONS

7. Defendant American obtained permits from Plaintiff to operate two mining operations in Tooele County, Utah: the Yellow Hammer project and the Clifton/Kiewit project.

8. In conjunction with the operation of these mining properties, American posted certificates of deposit as surety to insure reclamation of the mining properties as required by Plaintiff and the applicable statutes and rules of the State of Utah.

9. Subsequent to the posting of the certificates of deposit as surety, International acquired from American the Yellow Hammer and Clifton/Kiewit mining properties.

10. Defendant International did not post a substitute bond as required by the rules of the Plaintiff, but did complete the reclamation work for the mining properties as required, subject to the satisfactory establishment of vegetation.

11. The amounts of the certificates of deposit posted as bonds for the reclamation as of February 20, 2002 was \$17,600.00 (CD #327-508-3729) for Clifton/Kiewit, and \$10,500.00 (CD#1502362) for Yellow Hammer.

12. The amount held in the certificates of deposit has been released to Plaintiff by the Wells Fargo Bank.

13. The amount Plaintiff has determined that should continue to be retained until vegetation has been established is the sum of \$9,100.00.

14. Plaintiff has determined that the balance of the amount held by Plaintiff in a sum to be determined but believed to be about \$19,000.00 should be released and paid to the party having the legal right thereto.

15. Both Defendants International and American claim the exclusive right to the amount posted as surety for these mining properties.

16. Plaintiff has made inquiry and is not aware of any judicial determination of the rights of the Defendants to the balance of the money, is without authority to determine the rights of the parties, and otherwise is unable to make such a determination.

WHEREFORE, Plaintiff seeks the following relief:

1. That Plaintiff be directed to make payment to the clerk of the court a check in the amount determined to be subject to release;

2. That pursuant to Rule 22, Utah Rules of Civil Procedure, each Defendant be required to interplead its rights to payment of the amount held as surety;

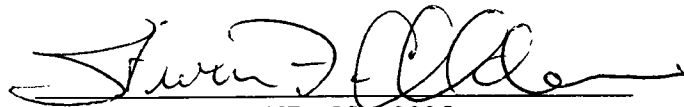
3. That the Court determine the legal and equitable rights thereto and enter an Order directing the clerk of the court to make payment to the party entitled to the funds;

4. That the Court enter an Order discharging Plaintiff from any liability except to order that, upon satisfactory completion of the Plaintiff's requirements for revegetation, it make payment of the balance of the funds held to insure success of the revegetation to the party or parties the Court determines to have the legal right thereto; and,

5. That the Court grant such other relief as it deems just and proper upon the evidence and law as determined herein.

RESPECTFULLY SUBMITTED this 19th day of Aug, 2002.

MARK L. SHURTLEFF, No. 4666
UTAH ATTORNEY GENERAL



STEVEN F. ALDER, No. 0035
Assistant Attorney General
ATTORNEYS FOR PLAINTIFF UTAH
DIVISION OF OIL, GAS & MINING
1594 West North Temple, #300
SALT LAKE CITY UT 84116
(801) 538-7227

Plaintiff's Address:
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
SALT LAKE CITY UT 84116